

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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PETER BODA

Plaintiff,

**ORDER**

**11-CV-28 (KAM)(SMG)**

- against -

DETECTIVE JOHN PHELAN, et al.,

Defendants.

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**MATSUMOTO, United States Magistrate Judge:**

By order of November 1, 2013, the court permitted plaintiff Peter Boda until November 15, 2013 to oppose defendants' motions of summary judgment and warned that, if he failed to do, those motions would be considered unopposed, and his case could be dismissed. On November 14, 2013, the court received a letter from Mr. Boda dated September 5, 2013 and postmarked October 15, 2013. (ECF No. 94.) The letter reports that, as of the time of its writing, Mr. Boda was receiving in-patient care and, due to his treatment, was unable to present legal arguments in his favor in writing. Mr. Boda's current status is unclear, as he represented in his letter that he would be released "by the end of . . . October."

If Mr. Boda seeks an extension of time to oppose the motions based on his medical condition, **he must submit a letter from a licensed medical doctor regarding his current situation, his diagnosis, his prognosis, and any limitations on his cognitive abilities and when any limitations are likely to abate. This letter must be submitted to the court by NOVEMBER 26, 2013.**

In his most recent letter, Mr. Boda also requests that a *pro bono* attorney be appointed to him. Plaintiff is reminded that there is no right to counsel in a civil case. *Martin-Trigona v. Lavien*, 737 F.2d 1254, 1260 (2d Cir. 1984). The court also cannot compel an attorney to take a civil case without a fee. *Mallard v. U.S. Dist. Ct.*, 490 U.S. 296, 309 (1989). Further, his previous

motion for appointment of counsel was denied for good reasons set forth in Chief Magistrate Judge Gold's order of April 11, 2013. The court sees no reason to reconsider Chief Magistrate Judge Gold's order. The court will serve a copy of this order on plaintiff at his last known address on the docket and note proof of service on the docket.

SO ORDERED.

Dated: November 15, 2013  
Brooklyn, New York

/s/  
 KIYO A. MATSUMOTO  
 United States Magistrate Judge